

ORIGINAL

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12 Attorneys for Defendant
13 TARGET CORPORATION

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 DANYELL MURPHY, individually and on
17 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 TARGET CORPORATION, and DOES 1
21 through 50, inclusive,

22 Defendants.

Case No. 09 CV 1436 BEN NLS

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §§ 1332(d) AND 1441
(DIVERSITY/CLASS ACTION)

Complaint Filed: May 19, 2009

Judge: Hon.
Trial Date: Not Set

23 TO THE HONORABLE JUDGES OF THE ABOVE-ENTITLED COURT:

24 PLEASE TAKE NOTICE that, pursuant to the Class Action Fairness Act of 2005 ("CAFA"),
25 28 U.S.C. § 1332(d) and 1441, Defendant TARGET CORPORATION ("TARGET"), hereby
26 removes this action from the Superior Court of the State of California, County of San Diego to the
27 United States District Court for the Southern District of California, and sets forth in support of its
28 Notice of Removal of Action the following:

1. On May 19, 2009, Plaintiff Danyell Murphy ("Plaintiff") commenced this action as a
putative class action, on behalf of herself and all others similarly situated, in the Superior Court of
the State of California, County of San Diego entitled *Danyell Murphy v. Target Corporation and*

-1-

Case No.

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §§ 1332(d) AND 1441
(DIVERSITY/CLASS ACTION)

Does 1-50, inclusive, Case No. 37-2009-00090250, by filing a Class Action Complaint For Violation Of The Labor Code Private Attorneys General Act Of 2004.

2. The Complaint seeks penalties pursuant to California's Private Attorneys General Act of 2004 based on allegations that Target failed "to provide suitable seats to plaintiff and other current and former employees" who worked as cashiers in the State of California during the relevant time period. Plaintiff alleges this is a violation of California Labor Code section 1198 and Wage Order 7-2001, section 14. (Plaintiff's Complaint, attached hereto at Exhibit A, ¶¶ 1, 6, 7, 16, 17, 18.)

3. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Target has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332(d).

TARGET HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL

4. A Summons and Complaint was served on Target's agent for service of process on June 2, 2009. The thirtieth day after service falling on July 3, 2009, a holiday, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446 (b); Fed. Rules of Civ. Proc., rule 6 (a) (3).

5. No other defendants are currently named in this putative class action. Moreover, pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d), Target need not obtain the consent of any other defendant to remove this action. (See 28 U.S.C. § 1453 (b).)

6. The Superior Court of the State of California for the County of San Diego is located within the Southern District of California in San Diego. Thus, venue is proper in this Court, pursuant to 28 U.S.C. § 89(c) because it is the "district and division embracing the place where such action is pending." (See 28 U.S.C. § 1441(a).)

7. No previous application has been made for the relief requested herein.

8. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Target, which papers include the summons and complaint, are attached hereto at Exhibit A. No other process, pleadings, or orders have been filed, served or received by Target in this case. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for plaintiff and being filed with the Clerk of the Superior Court of the State of California, County of San Diego in Case No. 37-2009-00090250.

REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER**JURISDICTION PURSUANT TO 28 U.S.C. §§ 1332(d) AND 1441**

9. This case is subject to removal pursuant to CAFA. As set forth below, this is a putative class action in which: (1) there are 100 or more members in the plaintiff's proposed class; (2) at least some of members of the proposed class have a different citizenship from the named defendant; and (3) the aggregate amount put in controversy by the claims of the plaintiff and proposed class members exceeds the sum or value of \$5,000,000 exclusive of interests and costs. Thus, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(d).

Class Action Consisting of More Than 100 Members

10. PAGA provides for the collection of civil penalties. The statute of limitations for a PAGA claim is, therefore, one year. (Cal. Code Civ. Proc. Section 340(a); *Thomas v. Home Depot USA Inc.*, 527 F. Supp. 2d 1003, 1007 (N.D. Cal. 2007); *see also De Simas v. Big Lots Stores, Inc.*, 2007 U.S. Dist. LEXIS 19257 (N.D. Cal. Mar. 2, 2007); *Moore v. Genesco, Inc.*, 2006 U.S. Dist. LEXIS 71115 at *7 (N.D. Cal. Sept. 20, 2006).)

11. In her Complaint, Plaintiff purports to represent a statewide class of all individuals who worked as cashiers in California during the relevant time period. (Plaintiff's Complaint ¶ 1, 7.) The complaint alleges that "Plaintiff is informed and believes that the class consists of well over 1,000 individuals." (Plaintiff's Complaint ¶ 10.)

12. Plaintiff's Complaint seeks penalties pursuant to PAGA and other relief for a statewide class based upon alleged failure to provide "suitable seats" for cashiers. (Plaintiff's Complaint ¶¶ 1, 7, 16-18.) Between May 19, 2008 and the present, Target employed more than 16,000 individuals as cashiers in California. (*See Declaration of Adrian Malatesta In Support Of Defendant Target Corporation's Removal of Action to District Court ("Malatesta Decl.")* ¶ 3.)

13. The aggregate number of class members of all proposed class members is greater than 100 for purposes of 28 U.S.C. § 1332(d)(5)(B).

Diversity of Citizenship

14. Plaintiff Murphy is a resident of the state of California. (Plaintiff's Complaint ¶ 2.) She alleges that she resides and works in the State of California. She does not allege any alternative

1 state of residence. Plaintiff's residence is prima facie evidence that she is domiciled in California for
2 purposes of diversity. (*State Farm Mut. Aut. Ins. Co. v. Dyer*, 19 F.3d 514, 518 (10th Cir. 1994).)

3 15. Plaintiff alleges that Target "is a Minnesota corporation." (Plaintiff's Complaint ¶3.)
4 Indeed, Target is, and was at the time plaintiff commenced this action, a corporation organized under
5 the laws of the State of Minnesota. Target's principal place of business is located in Minnesota.
6 (See Malatesta Declaration, ¶ 4.) Thus, Target is a citizen of Minnesota for purposes of determining
7 diversity, (28 U.S.C. § 1332(c)(1)), and not a citizen of California. Thus, at least one proposed class
8 member and the defendant are diverse.

9 **The Amount In Controversy Requirement Is Met**

10 16. Plaintiff in this case alleges alleged that Target failed to provide "suitable seats" for
11 its cashiers, violating the Wage Order and Labor Code 1198. (Plaintiff's Complaint ¶ 1.) The
12 Complaint also "requests penalties against Target as provided under Lab. Code 2699(f)." (Plaintiff's
13 Complaint ¶ 19.)

14 17. Labor Code section 2699(f) provides, in relevant part, "[f]or all provisions of this
15 code except those for which a civil penalty is specifically provided, there is established a civil
16 penalty for a violation of these provisions, as follows...(2) If, at the time of the alleged violation, the
17 person employs one or more employees, the civil penalty is one hundred dollars (\$100) for each
18 aggrieved employee per pay period for the initial violation and two hundred dollars (\$200) for each
19 aggrieved employee per pay period for each subsequent violation."

20 18. Target pays its employees biweekly. (Malatesta Declaration, ¶ 4.) The total number
21 of pay periods in which an individual worked as a cashier in California between May 19, 2008 and
22 June 1, 2009 exceeds 207,000. (Malatesta Declaration, ¶ 4.)

23 19. The claims of the individual class members in a class action are aggregated to
24 determine if the amount in controversy exceeds the sum or value of \$5,000,000. (*See* 28 U.S.C. §§
25 1332(d)(2) & (6).)

26 20. Although Target denies Plaintiff's factual allegation and denies that Plaintiff or the
27 class or any subclass that she purports to represent are entitled to the relief she seeks, based on
28 Plaintiff's allegations and prayer for relief, plaintiff's claims meet this jurisdictional threshold.

1 Assuming each of the "pay periods" described above resulted in a \$100 penalty, the amount of
2 penalties in controversy exceeds \$20,700,000.

3 21. Plaintiff also claims attorneys' fees in addition to PAGA penalties. (Plaintiff's
4 Complaint ¶19; Prayer for Relief, ¶2.) Attorneys' fees are properly included in determining the
5 amount in controversy. (*Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156 (9th Cir. 1998); *Sanchez*
6 *v. Wal-Mart Stores, Inc.*, 2007 WL 1345706, *2 (E.D. Cal. 2007) ("attorney's fees, if authorized by
7 statute or contract, are also part of the calculation.") Assuming plaintiff can recover on her theories
8 and allegations on a class-wide basis, her lawyers would likely argue that they should receive all
9 attorneys' fees incurred. If Plaintiff's counsel seeks 25% of the potential PAGA penalties as fees, the
10 amount in controversy would increase by approximately \$5,175,000.

11 22. CAFA's legislative history makes clear that any doubts regarding the maintenance of
12 interstate class actions in state or federal court should be resolved in favor of federal jurisdiction.
13 (*See, e.g.*, S. REP. 109-14, at 3 (2005) ["Overall, new section 1332(d) is intended to expand
14 substantially federal court jurisdiction over class actions. Its provisions should be read broadly, with
15 a strong preference that interstate class actions should be heard in a federal court if properly removed
16 by any defendant."].)


17 Attached hereto as Exhibit A are copies of all prior pleadings filed in the Superior Court case.

18 WHEREFORE, Defendant Target Corporation, respectfully removes this action from the
19 Superior Court of the State of California, County of San Diego, bearing Case No. 37-2009-
20 00090250, to this Court pursuant to 28 U.S.C. § 1441.

21
22 Dated: July 2, 2009

23 **WILSON TURNER KOSMO LLP**

24 By:

25 
26 CLAUDETTE G. WILSON
27 MERYL C. MANEKER
28 LISA A. HILL
Attorneys for Defendant
TARGET CORPORATION

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:**(AVISO AL DEMANDADO):**

TARGET CORPORATION, and DOES 1 through 50, inclusive

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

DANYELL MURPHY, individually and on behalf of all others similarly situated

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

F I L E D
Clerk of the Superior Court
MAY 21 2009
By: M. McKinley, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una Carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la Corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☒ HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827
☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-8843
☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
☐ RAMONA BRANCH 1428 MONTECITO RD., RAMONA CA 92085-5200
☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649
☐ JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123-2792

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

James F. Clapp (145814)

Tel: (858) 623-4200

DOSTART CLAPP GORDON & COVENEY, LLP

Fax: (858) 623-4299

4370 La Jolla Village Drive, Suite 970

San Diego, CA 92122

CASE NUMBER:

(Número del Caso): 37-2009-00090250-CU-OE-CTL

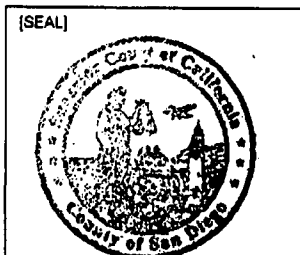
DATE: **MAY 21 2009**
(Fecha)

CLERK OF THE SUPERIOR COURT

Clerk, by _____
(Secretario)**M. McKinley**Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010))

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): James F. Clapp (145814) DOSTART CLAPP GORDON & COVENEY, LLP 4370 La Jolla Village Drive, Suite 970 San Diego, CA 92122 TELEPHONE NO.: 858-623-4200 FAX NO.: 858-623-4299		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 150px;"> FILED CIVIL BUSINESS OFFICE 15 CENTRAL DIVISION 09 MAY 19 PM 5: 53 MAY 18 2009 PM 4:05 </div>	
ATTORNEY FOR (Name): Plaintiff Danyell Murphy			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice			
CASE NAME: Murphy v. Target Corporation			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: 37-2009-00090250-CU-OE-CTL JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/PI/D/W/D (23) Non-P/PI/D/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/PI/D/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☒ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☒ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary, declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): One (1)
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 19, 2009

James F. Clapp

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties In Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties In Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice *(not medical or legal)*
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (36) Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller
Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

FILED
CIVIL BUSINESS OFFICE 15
CIVIL DIVISION

09 MAY 19 PM 5:53

MAY 19 2009 PM 4:05
SAN DIEGO COUNTY, CA

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15 Attorneys for Plaintiff

16
17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 IN AND FOR THE COUNTY OF SAN DIEGO

19 37-2009-00090250-CU-OE-CTL

20 DANYELL MURPHY, individually and on
behalf of all others similarly situated,

21 Plaintiff,

22 vs.

23 TARGET CORPORATION, and DOES 1
24 through 50, inclusive,

25 Defendants.

CASE NO.

CLASS ACTION COMPLAINT FOR
VIOLATION OF THE LABOR CODE
PRIVATE ATTORNEYS GENERAL ACT
OF 2004 (CAL. LAB. CODE SECTION
2698 ET SEQ.)

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CLASS ACTION COMPLAINT

1 Plaintiff Danyell Murphy, individually and on behalf of all others similarly situated,
2 alleges as follows:

3 INTRODUCTION

4 1. This is a class action and a representative action for recovery of penalties under the
5 California Labor Code Private Attorneys General Act of 2004 ("PAGA"), Cal. Lab. Code section
6 2698 et seq. PAGA permits an "aggrieved employee" to bring a lawsuit on behalf of herself and
7 other current and former employees to address an employer's violations of the California Labor
8 Code. In this case, defendants violated California Labor Code section 1198 and Wage Order 7-
9 2001, section 14 by failing to provide suitable seats to plaintiff and other current and former
10 employees. Plaintiff seeks penalties on behalf of herself and other current and former employees
11 of defendants as provided herein.

12 2. Plaintiff Danyell Murphy is an individual residing in the State of California.

13 3. Defendant Target Corporation is a Minnesota corporation doing business in San
14 Diego, California.

15 4. Plaintiff does not know the names of those defendants sued as DOES 1 through 50
16 but will amend this complaint when she learns those names. Plaintiff alleges on information and
17 belief that each of the defendants is the agent, representative, successor, affiliate, officer, director,
18 employee, co-conspirator, or alter ego of each of the other defendants and is in some manner
19 responsible for the wrongdoing alleged herein. For the purposes of this complaint, the defendants
20 are collectively referred to as "Target."

21 5. Venue is proper in this judicial district because at least some of the alleged
22 wrongdoing occurred in this judicial district.

23 6. At all relevant times, plaintiff was employed as a Cashier at Target in San Diego.
24 In connection with her job as a Cashier, plaintiff regularly operated a cash register.

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Exh. A, Page 10

7. Wage Order 7-2001, which covers businesses in the "mercantile industry" such as Target, states: "All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats." Id., section. 14(a). Target failed to provide its Cashiers, including plaintiff, with seats, despite the fact that the nature of cashier work reasonably permits the use of seats.

CLASS ALLEGATIONS

8. Class Definition: Plaintiff brings this lawsuit on her own behalf and as a class action under Cal. Code Civ. Proc. section 382 and Fed. R. Civ. P. 23. The class ("Class") that plaintiff seeks to represent is defined as follows: "All persons who, during the applicable statute of limitations, were employed by Target in the State of California in the position of Cashier, or similar position that regularly involves the operation of a cash register, and were not provided with a seat."

9. Ascertainable Class: The Class is ascertainable in that its members may be identified and located using information contained in Target's personnel records.

10. **Numerosity:** The Class is so numerous that the individual joinder of all members is impractical under the circumstances of this case. Plaintiff is informed and believes that the Class consists of well over 1,000 individuals.

11. Common Questions of Fact or Law: This lawsuit is suitable for class treatment because common questions of fact and law predominate over individual issues. Common questions include, but are not limited to, the following: (1) whether Target is subject to the requirements of Wage Order 7-2001, section 14; (2) whether the job of a Cashier at Target reasonably permits the use of a seat; (3) what type(s) of seat would be suitable; and (4) the amount of penalties that should be awarded under PAGA.

12. Typicality: Plaintiff's claims are typical of the claims of Class members. Plaintiff and the Class members were injured by Target's common practice of failing to provide seats.

13. Adequacy. Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff has no interests that are adverse to the interests of the Class.

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14. Superiority. A class action is superior to other available means for the fair and efficient adjudication of this controversy, since individual joinder of all members of the Class is impractical. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without unnecessary duplication of effort and expense. Furthermore, the expenses and burden of individualized litigation would make it difficult or impossible for individual members of the Class to redress the wrongs done to them, while an important public interest will be served by addressing the matter as a class action. Individualized litigation would also present the potential for inconsistent or contradictory judgments.

FIRST CAUSE OF ACTION
(Violation of PAGA)

15. Plaintiff incorporates by reference the allegations set forth above.

16. California Labor Code section 1198 makes it illegal to employ an employee under conditions of labor that are prohibited by the applicable wage order. By failing to provide plaintiff and the other Class members with seats, in violation of Wage Order 7-2001, section 14, Target violated Lab. Code section 1198.

17. PAGA permits an "aggrieved employee" to recover penalties on behalf of himself or herself and other current or former employees as a result of the employer's violations of certain sections of the California Labor Code. Plaintiff is an aggrieved employee, in that plaintiff is employed by Target and was not provided with a seat, in violation of Lab. Code section 1198 and Wage Order 7-2001, section 14. A violation of Lab. Code section 1198 gives rise to private right of action under PAGA.

18. Plaintiff has complied with the PAGA notice provision set forth in Cal. Lab. Code section 2699.3(a)(1). The Labor and Workforce Development Agency has not provided plaintiff with notice that it intends to investigate this violation, although 33 calendar days have elapsed since the postmark date of plaintiff's notice. Accordingly, plaintiff is entitled to commence this action.

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1 19. Plaintiff requests penalties against Target as provided under Lab. Code section
2 2699(f), plus reasonable attorneys' fees and costs, in amounts to be proved at trial.
3

4 PRAYER

5 WHEREFORE, plaintiff requests entry of judgment, on behalf of herself and the other
6 Class members, against each defendant, jointly and severally, as follows:

- 7 1. For penalties according to proof;
8 2. For reasonable attorneys' fees and costs of suit; and
9 3. For such other relief that the Court deems proper.
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11 Dated: May 19, 2009

DOSTART CLAPP GORDON & COVENEY, LLP

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14 JAMES F. CLAPP
Attorneys for Plaintiff

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Exh. A, Page B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY AND ZIP CODE: San Diego, CA 92101	
BRANCH NAME: Central	
TELEPHONE NUMBER: (619) 450-7081	
PLAINTIFF(S) / PETITIONER(S): Danyell Murphy	
DEFENDANT(S) / RESPONDENT(S): Target Corporation	
MURPHY VS. TARGET CORPORATION	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2009-00090250-CU-OE-CTL

Judge: John S. Meyer

Department: C-61

COMPLAINT/PETITION FILED: 05/19/2009

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA		COURT USE ONLY
TITLE OF CASE (ABBREVIATED) Murphy v. Target Corporation		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): CLAUDETTE G. WILSON (110076) MERYL C. MANEKER (188342) LISA A. HILL (223995) WILSON TURNER KOSMO LLP 550 West C Street, Suite 1050 San Diego, CA 92101		TELEPHONE NO.: Tel. (619) 236-9600 Fax: (619) 236-9669
ATTORNEYS FOR: Defendant, TARGET CORPORATION	HEARING DATE - TIME	CASE NUMBER:

PROOF OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is Wilson Turner Kosmo LLP, 550 West C Street, Suite 1050, San Diego, CA 92101.

On July 2, 2009, I served the following documents:

1. CIVIL COVER SHEET
2. NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §§ 1332(d) AND 1441 (DIVERSITY/CLASS ACTION)
3. DECLARATION OF ADRIAN MALATESTA IN SUPPORT OF DEFENDANT TARGET CORPORATION'S REMOVAL OF ACTION TO DISTRICT COURT
4. NOTICE OF PARTY WITH FINANCIAL INTEREST

I served the documents on the person below, as follows:

James F. Clapp
Marita Murphy Lauinger
Zachariah P. Dostart
Dostart Clapp Gordon & Coveney, LLP
4370 La Jolla Village Drive, Ste. 970
San Diego, CA 92122-1253
Phone: 858.623.4200
Fax: 858.623.4299
Attorneys for Plaintiff, Danyell Murphy

Kevin J. McInerney
McInerney & Jones
18124 Wedge Parkway, #503
Reno, NV 89511
Phone: 775.849.3811
Fax: 775.849.3866
Attorneys for Plaintiff, Danyell Murphy

Matthew Righetti
Righetti Law Firm, P.C.
456 Montgomery Street, Ste. 1400
San Francisco, CA 94104
Phone: 415.983.0900
Fax: 415.397.9005
Attorneys for Plaintiff, Danyell Murphy

- ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addressed below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

Murphy v. Target Corporation
Case No.

- ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ **By e-mail or electronic transmission.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 2, 2009, at San Diego, California.


Tracey Cornish

ORIGINAL

CIVIL COVER SHEET

JS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Danyell Murphy

'09 CV 1436 BEN

NLS

(b) County of Residence of First Listed Plaintiff San Diego County, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DOSTART CLAPP GORDON & COVENEY

James F. Clapp

4370 La Jolla Village Drive, Suite 970

San Diego, California 92122-1253

858-623-4200

DEFENDANTS

Target Corporation

00 JUL -2 AM 10:12

County of Residence of First Listed Defendant Minnepin County, MN

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Wilson Turner Kosmo, LLP

Claudette G. Wilson; Meryl C. Maneker; Lisa A. Hill

550 West C Street, Suite 1050

San Diego, CA 92101

619.236.9600

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 1332(d) and 1441

Brief description of cause:

Claim pursuant to Private Attorneys General Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$

☐ CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

July 2, 2009

FOR OFFICE USE ONLY

RECEIPT # 002639

AMOUNT \$350

APPLYING IFP

JUDGE

MAG. JUDGE

CSDJS44

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS002639
Cashier ID: bhartman
Transaction Date: 07/02/2009
Payer Name: KNOX ATTY SVCS

CIVIL FILING FEE
For: MURPHY V TARGET CORP
Case/Party: D-CAS-3-09-CV-001436-001
Amount: \$350.00

CHECK
Check/Money Order Num: 7231
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.